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STATE OF DELAWARE
BOARD OF HOME INSPECTORS

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PUBLIC MEETING NOTICE:	BOARD OF HOME INSPECTORS
DATE AND TIME:	Tuesday, May 13, 2014 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, DE Cannon Building, Second-Floor Conference Room A
APPROVED:	June 10, 2014

MEMBERS PRESENT

Donald E. Pyle, Sr., Professional Member, Chair
Dennis Theoharis, Public Member, Vice Chair
Tim Harriger, Professional Member
Jay "Wes" Mast, Professional Member
Joyce Edwards, Public Member

MEMBERS ABSENT

None

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Jennifer Singh, Deputy Attorney General
Amanda McAtee, Administrative Specialist II

PUBLIC PRESENT

Paul M. Baker

CALL TO ORDER

Mr. Pyle called the meeting to order at 9:04 a.m.

PUBLIC HEARING, RULES AND REGULATIONS - 9:00 A.M.

BOARD PRESENT: Donald S. Pyle, Sr., Dennis Theoharis, Tim Harriger, Jay "Wes" Mast, and Joyce Edwards

PUBLIC PRESENT: None

PURPOSE:

The Delaware Board of Home Inspectors, pursuant to 24 Del.C. §4106(a)(1), proposes to amend its rules and regulations. The proposed regulation changes address two separate issues. The first is a change to regulation 4.0 which would enable applicants with five years of experience or who have completed 250 home inspections to obtain a license despite not being eligible as an endorsement candidate. Currently, such candidates must become trainee registrants before obtaining a home inspection license. The second proposed

change relates to regulation 18.0 regarding standards of practice. The proposed changes would reflect recent changes to the American Society of Home Inspectors standards of practice so as to allow the practice of home inspection in Delaware to remain consistent with surrounding states.

PRESIDING: Donald S. Pyle, Sr., Professional Member, Chair

DIVISION STAFF: Amanda McAtee, Administrative Specialist II

BOARD COUNSEL: Jennifer Singh, Deputy Attorney General

COURT REPORTER: Patricia Shelton, Wilcox and Fetzer

The hearing began at 9:09 a.m. Ms. Singh stated that the purpose of the hearing was to receive public comment regarding the Board's proposed Rules and Regulations. Ms. Singh advised that the notification of the public hearing was published in the Register of Regulations on April 1, 2014 and two newspapers on April 19, 2014. Ms. Singh marked the News Journal affidavit of publication as Board exhibit one and the State News affidavit of publication as Board exhibit two.

Ms. Singh confirmed that no public comment had been received by the Board office. With there being no public comment, Ms. Singh thanked the court reporter and advised the Board that the public would have an additional fifteen days after this hearing date to make comments. The Board would deliberate on any public comments received at its next Board meeting on June 10, 2014.

The hearing concluded at 9:11 a.m.

PROPOSAL TO DENY HEARING – Paul M. Baker 9:05 a.m.

BOARD PRESENT: Donald S. Pyle, Sr., Dennis Theoharis, Tim Harriger, Jay "Wes" Mast, and Joyce Edwards

PRESIDING: Donald E. Pyle, Sr., Chair

BOARD STAFF: Amanda McAtee, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Jennifer Singh, Deputy Attorney General

RESPONDENT: Paul M. Baker

COUNSEL FOR THE RESPONDENT: pro se

PUBLIC PRESENT: None

COURT REPORTER PRESENT: Patricia Shelton, Wilcox and Fetzer

TIME STARTED: 9:12 a.m.

Ms. Singh went on record at 9:12 a.m. The Board members introduced themselves for the record.

The Delaware Board of Home Inspectors reviewed Mr. Baker's application for a Home Inspector License at its January 14, 2014 meeting. Pursuant to 24 *Del. C.* § 4111(b), the Board **proposed to deny** Mr. Baker's application for a Home Inspector License.

Under 24 *Del. C.* § 4111(a), "the Board shall grant a license to each applicant, who shall present proof of current licensure in good standing in another state, the District of Columbia, or territory of the United States, ***whose standards for licensure are substantially similar to those of this State.***" In addition, under 24 *Del. C.* § 4111(b), "An applicant, who is licensed in a state whose standards are not substantially similar to those of this State, ***shall have practiced for a minimum of 5 years after licensure***; provided however, that the applicant meets all other qualifications for endorsement in this section."

In Mr. Baker's application for licensure endorsement, Mr. Baker indicated that he was licensed in the State of Maryland for less than five years. The Delaware Board of Home Inspectors determined that Maryland's licensing requirements were not substantially similar to those of Delaware. Therefore, because Mr. Baker had not practiced for a minimum of five years after licensure, he did not qualify for licensure by endorsement.

Mr. Baker was notified of the Board's proposal to deny decision and Mr. Baker requested a hearing to address the Board's decision.

Mr. Baker was sworn in at 9:15 a.m.

Mr. Baker stated that he appreciated the hard work that the Board had put forth and he believed that the home inspection profession should be regulated. Mr. Baker gave the Board an overview of his education and training. Mr. Baker stated that he chose not to start his business in Delaware until he became licensed in Maryland. He went through training and passed the national exam. His first job and early jobs were in Sussex County, Delaware. To date Mr. Baker had completed 335 inspections, with a large part of them residential homes. He did not have 5 years' experience as a licensed home inspector but had 30 plus years of experience in the industry in some capacity. Mr. Baker stated that he would like the Board to consider his experience and education.

Mr. Mast questioned if the 335 inspections were compensated inspections.

Mr. Baker answered that about 280 inspections were completed as compensated residential inspections.

Deliberations began at 9:30 a.m.

Deliberations concluded at 9:39 a.m.

Mr. Pyle stated that prior to this meeting the Board had realized that there were applicants out there that did not qualify under endorsement. At the beginning of today's meeting the Board began the process of amending their Rules and Regulations to enable applicants with five years of experience or who had completed 250 home inspections to obtain a license despite not being eligible as an endorsement candidate. Mr. Pyle stated that Mr. Baker would be eligible for licensure under this new change since he had completed at least 250 home inspections.

Mr. Baker stated that he would amend his application once the change was effective. Ms. McAtee stated that she would be in contact once the new application was available.

Mr. Harriger made a motion, seconded by Ms. Edwards, to table the application until the receipt of the amended application and the new regulation passed on July 11, 2014. The motion carried unanimously.

The hearing concluded at 9:40 a.m.

REVIEW AND APPROVAL OF MEETING MINUTES

The Board reviewed the meeting minutes from the April 8, 2014 meeting. Mr. Harris made a motion, seconded by Mr. Pyle, to approve the minutes as written. The motion carried unanimously.

UNFINISHED BUSINESS

Final Denial

None

Review and Consideration of Order for Nicholas Stanisic

The Board reviewed and signed the final decision and order for Nicholas Stanisic.

Continued Discussion of the New Castle County Board of Realtors Contract with Regards to Home Inspection

Ms. Singh stated that she had no news to report on the subject.

Continued Discussion Regarding Construction Experience

Mr. Pyle stated maybe the Board should entertain giving a small credit of 25 inspections to someone with construction experience. Mr. Mast questioned how the Board would quantitate that experience. Ms. McAtee stated that the Board had addressed this topic on a few occasions and had come to similar conclusions that it was not possible to quantitate the experience. The Board agreed that while construction experience was good to have, it was not able to apply the experience to home inspection licensure.

NEW BUSINESS

Review of Applications

Francis Glynn – Home Inspector by Exam

Mr. Pyle reviewed and summarized the home inspector by exam application of Francis Glynn. After review and discussion, Mr. Harriger made a motion, seconded by Mr. Pyle to approve the home inspector by exam application of Francis Glynn. The motion carried unanimously.

Ratification of Issued Home Inspector Licenses

Francis A. McQuade III – Home Inspector Trainee

Mr. Harriger made a motion, seconded by Mr. Mast, to ratify the license of Francis A. McQuade III, Home Inspector Trainee. The motion carried unanimously.

Complaint Status: New Complaint 39-01-14

Ms. McAtee stated that the Board received a new complaint.

Discussion of Upcoming Meeting Dates

Ms. McAtee stated that the Board had already cancelled their November 11, 2014 meeting date because it fell on Veteran's Day. Ms. McAtee explained that a lot of Boards took off one month in the summer and one in the winter and questioned if the Board wanted to take a month off in the summer. The Board agreed and decided to cancel their August 12, 2014 meeting. The Board will not meet on August 12, 2014 or on November 11, 2014.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

PUBLIC COMMENT

NEXT MEETING

The next Board meeting will be at **9:00 a.m. on Tuesday, June 10, 2014 in Conference Room B** located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business to discuss, Mr. Theoharis made a motion, seconded by Mr. Pyle, to adjourn the meeting at 10:53 a.m. The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A McAtee', written in a cursive style.

Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.